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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,180	07/28/2003	Samuel H. Christie IV	7000-262	4489
27820 7590 03/02/2009 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518				
EXAMINER NGUYEN, QUYNH H				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,180

Applicant(s)

CHRISTIE, SAMUEL H.

Examiner

QUYNH H. NGUYEN

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/25/08.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 and 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's remarks filed 11/25/08 have been entered. No claims have been amended. No claims have been cancelled. No claims have been added. Claims 1-19 and 21-33 are still pending in this application, with claims 1, 17, and 33 being independent.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1-16 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson et al. (US 7,245,713) in view of Kasiviswanathan (U.S. Patent 6,215,857).

As to claim 1, Simpson teaches a method for allowing call screening in a hosted voicemail system environment (abstract; col. 2, lines 65-67) comprising:

directing a call to a hosted voicemail system, which serves as a voicemail system for a telephone terminal (col. 1, lines 61-63; col. 6, lines 43-47);

routing the call to subscriber's telephone terminal after the call routed to the voice mail system where the calling party may leave a voice mail message for the subscriber (col. 2, lines 6-21; and

allowing the telephone terminal to monitor a message being left in the hosted voicemail system (col. 2, lines 9-12).

However, Simpson et al. does not teach the call is initially directed to the hosted voicemail system before being directed to the telephone terminal.

Kasiviswanathan teaches the call is initially directed to the hosted voicemail system (col. 2, lines 64-67; col. 4, lines 55-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kasiviswanathan into the teachings of Simpson for the purpose of providing direct access by the calling party to the voice mail of the called party without disturbing the called party. For example, the calling party needs to leave a message for the called party late at night, as discussed by Kasiviswanathan (col. 3, lines 15-18; col. 2, lines 64-67).

As to claim 2, Simpson teaches allowing and means for allowing a user of the telephone terminal to take the call while the message is being left in the hosted voicemail system (col. 2, lines 12-16 and lines 29-36).

As to claim 3, Simpson teaches the called is directed to the hosted voicemail system by a telephony switch supporting the telephone terminal comprising:

establishing and means for establishing a first connection to connect the call to the hosted voicemail system (col. 1, lines 61-63);

establishing and means for establishing a second connection with the telephone terminal (col. 2, lines 6-21); and

connecting and means for establishing the first and second connections (col. 2, lines 6-21; col. 6, line 67 through col. 7, line 20).

As to claim 4, Simpson teaches sending and means for sending a first signal to the telephone terminal to open a speaker channel (col.3, lines 34-47).

As to claim 5, Simpson teaches receiving and means for receiving a second signal from the telephone terminal indicative of the user taking the call (col. 7, lines 37-41).

As to claims 6 and 8, Simpson teaches sending and means for sending a third signal to the hosted voicemail system indicative of the user taking the call (col. 7, lines 37-45).

As to claims 7 and 13, Simpson teaches the steps of:
establishing and means for establishing a second call from the hosted voicemail system to the telephone terminal upon the hosted voicemail system receiving the call (col. 1, lines 61-63; col. 6, line 67 through col. 7, line 20);

connecting and means for connecting the call and the second call (col. 6, line 67 through col. 7, line 20),

wherein the telephone terminal will open a speaker channel upon receiving the second call to allow monitoring of the message (col. 7, lines 14-20).

As to claim 9, Simpson teaches effecting and means for effecting transfer of the call to the telephone terminal upon receiving the signal (col. 6, line 67 through col. 7, line 6).

As to claim 10, Simpson teaches the hosted voicemail system provides caller identification information related to the call with the second call (col. 7, lines 6-13).

As to claim 11, Simpson teaches the steps of:
receiving and means for receiving a feature code from the telephone terminal (col. 5, lines 46-51); and
establishing and means for establishing a connection between the call, the hosted voicemail system, and the telephone terminal to allow monitoring of the message via a speaker channel (col. 6, line 67 through col. 7, line 20).

As to claims 12 and 14, Simpson teaches receiving a signal from the telephone terminal indicating the user taking the call (col. 2, lines 29-40; col. 7, lines 14-20) and establishing a connection to the telephone terminal to facilitate the call (col. 7, lines 15-28).

As to claim 15, Simpson teaches the telephone terminal is adapted to automatically open a speaker channel for call screening (6, line 67 through col. 7, line 20).

As to claim 16, Simpson teaches the subscriber can interrupt the voice message and accept the call, then the service node transfers the call between the subscriber and calling party to the central office or SSP hosting the SN to make available the PRI ports for other calls (col. 7, lines 37-45). Hence, there are fragments of messages resulting from call screening. It would have been obvious to one of ordinary skill in the art at the time the invention was made that in the process of making the PRI ports available for

other calls the system would normally clean up fragments messages or indicate that the message should be erased in order to conserve spaces and system resource.

As to claim 33, Simpson teaches a method for allowing call screening in a hosted voicemail system environment (abstract; col. 2, lines 65-67) comprising:

detecting an incoming call intended for a telephone terminal (fig. 2, 210; col. 6, lines 12-14);

upon answering in the incoming call at the hosted voicemail system (col. 1, lines 61-63; col. 6, lines 33-47), initiating a new call to the telephone terminal such that the incoming call and the newly initiated call are effectively connected (col. 2, lines 6-21; col. 6, line 67 through col. 7, line 20); and

allowing the telephone terminal to monitor a message being left in the hosted voicemail system (col. 7, lines 14-20).

However, Simpson does not teach forwarding the incoming call to the hosted voicemail system, which serves as a voicemail system for the telephone terminal, without attempting to establish a connection to the telephone terminal.

Kasiviswanathan teaches detecting an incoming call intended for a telephone terminal (Fig. 3, 300; col. 4, lines 37-39); the call is initially directed to the hosted voicemail system (col. 2, lines 64-67; col. 4, lines 55-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kasiviswanathan into the teachings of Simpson for the purpose of providing direct access by the calling party to the voice mail of the called party without disturbing the called party. For example, the calling

party needs to leave a message for the called party late at night, as discussed by Kasiviswanathan (col. 3, lines 15-18; col. 2, lines 64-67).

4. Claims 17-19 and 21-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simpson and Kasiviswanathan and further in view of Lektion et al. (US 2004/0096046).

Claim 17 is rejected for the same reasons as discussed above with respect to claim 1. However, Simpson and Kasiviswanathan do not teach means for sending a first signal to the telephone terminal to open a speaker channel without user interaction with the telephone terminal.

Lektion et al. teaches means for sending a first signal to the telephone terminal to open a speaker channel without user interaction with the telephone terminal (page 1, [0009], lines 8-9; page 2, [0024], lines 6-10 and [0025], lines 1-4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the teaching of Lektion into the teachings of Simpson and Kasiviswanathan for safety purposes and reducing disruptions while the user driving his or her car.

Claims 18-19 and 21-32 are rejected for the same reasons as discussed above with respect to claims 2-3 and 5-16, respectively.

Response to Arguments

5. Applicant's arguments filed 11/25/08 have been fully considered but they are not persuasive. Applicant mainly argues that Kasiviswanathan does not teach initially directing a call to the hosted voicemail system before being directed to the telephone terminal. Examiner respectfully submits that the primary reference Simpson teaches every element of the claims including routing the call to subscriber's telephone terminal after the call routed to the voice mail system where the calling party may leave a voice mail message for the subscriber (col. 2, lines 6-21). The only missing element that Simpson does not specifically teach is the call is initially directed to the hosted voice mail system. Examiner cited Kasiviswanathan for the only missing limitation the call is initially directed to the hosted voice mail system (col. 2, lines 64-67; col. 4, lines 55-58) and applied this feature taught by Kasiviswanathan into Simpson so that the combination of references teach the call is initially directed to the hosted voice mail system before being directed to the telephone terminal (this limitation already taught by Simpson as described above).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUYNH H. NGUYEN whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Quynh H Nguyen/

Primary Examiner, Art Unit 2614